

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket: --GREGOR=5

In re Application of: ) Application Division  
 Paul GREGOR et al. ) ATTN: BOX MISSING PARTS  
 Serial No.: 10/543,065 ) Washington, D.C.  
 Filing Date: July 21, 2005 ) Confirmation No. 3917  
 For: PHARMACEUTICAL COMPOSITIONS COMPRISING ) Date: January 13, 2006  
 THIENO [2,3-C]PYRIDINE DERIVATIVES AND USE ) THEREOF

**LATE SUBMISSION OF FILING FEE AND/OR DECLARATION**  
**FILED UNDER 37 CFR 1.53(b)**

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop **Missing Parts**  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION..." dated November 15, 2005. Attached hereto is/are:

Two (2) executed declarations in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, filing date, and priority information.

An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, filing date and priority information, and to which is attached a duplicate copy of the application as filed.

An exact English language translation of the \_\_\_\_\_ application as originally filed.

Attached hereto as required by the Notice is/are:  replacement drawing sheets (Figures \_\_) in compliance with 37 C.F.R. §1.84.

An Information Disclosure Statement with 08A-B and \_\_ references.

Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.

Corrected Application Data Sheet.

Preliminary Amendment.  Fees are reduced due to elimination of claim multi-dependencies

A certified copy of priority document no. \_\_\_\_\_, filed \_\_\_\_ Priority is claimed.

Total fees in the amount of: \$1,440.00.

The filing fee is calculated below:

APPLICATION AS FILED			FEE	
<input checked="" type="checkbox"/> Basic Fee	01/19/2006 GFREY1	00000075 10543065		\$ 300.00
<input checked="" type="checkbox"/> Search Fee	01 FC:2617	65.00 OP 575.00 DP		\$ 500.00
<input checked="" type="checkbox"/> Examination Fee	03 FC:2614 04 FC:1206	300.00 OP 500.00 DP		\$ 200.00
<input checked="" type="checkbox"/> Late Declaration surcharges				\$130.00
Total Sheets	Extra Sheets	No. of each additional 50 pages or fraction thereof (round up to a whole number)		
- 100	/50		x \$250.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	-\$ 0.00 OP
TOTAL CLAIMS	43	= 23	x 50	1,150.00
INDEPENDENT CLAIMS	-6	= 3	x 200	600.00
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 360	-
TOTAL OF ABOVE CALCULATIONS				\$2,880.00
<input checked="" type="checkbox"/> Reduction of 1/2 for Small Entity. Applicant claims small.entity status. See 37 CFR 1.27.				<\$1,440.00>
Processing fee of \$130.00 for late furnishing of the English translation.				\$
TOTAL FILING FEE DUE				\$1,440.00



It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a).  
The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity	Other Than Small Entity
Response Filed Within	Response Filed Within
<input type="checkbox"/> First - \$ 60.00	<input type="checkbox"/> First - \$ 120.00
<input type="checkbox"/> Second - \$ 225.00	<input type="checkbox"/> Second - \$ 450.00
<input type="checkbox"/> Third - \$ 510.00	<input type="checkbox"/> Third - \$1,020.00
<input type="checkbox"/> Fourth - \$ 795.00	<input type="checkbox"/> Fourth - \$1,590.00
<input type="checkbox"/> Fifth - \$1,080.00	<input type="checkbox"/> Fifth - \$2,160.00
Month After Time Period Set	Month After Time Period Set

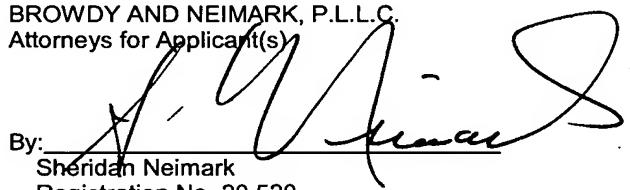
Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$1,440.00 is enclosed to cover the fees.

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By:   
Sheridan Neimark  
Registration No. 20,520

SN:ma  
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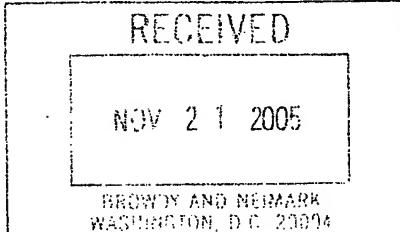
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

BEN

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.				
10/543,065	Paul Gregor	GREGOR				
INTERNATIONAL APPLICATION NO.						
PCT/IL04/00121						
<table border="1"> <tr> <td>I.A. FILING DATE</td> <td>PRIORITY DATE</td> </tr> <tr> <td>02/05/2004</td> <td>02/05/2003</td> </tr> </table>			I.A. FILING DATE	PRIORITY DATE	02/05/2004	02/05/2003
I.A. FILING DATE	PRIORITY DATE					
02/05/2004	02/05/2003					
<b>CONFIRMATION NO. 3917</b> <b>371 FORMALITIES LETTER</b>  *OC000000017430265*						

Date Mailed: 11/15/2005



### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/21/2005
- Copy of the International Search Report filed on 07/21/2005
- Request for Immediate Examination filed on 07/21/2005
- U.S. Basic National Fees filed on 07/21/2005
- Priority Documents filed on 07/21/2005

MSA = 15JA2006.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$3530** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of **\$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing-items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$3595** for a Small Entity:

- \$65 Surcharge.
- Total additional claim fee(s) for this application is \$ 3530
  - \$300 for 3 independent claims over 3.
  - \$3050 for 122 total claims over 20.
  - \$180 for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/543,065	PCT/IL04/00121	GREGOR5

FORM PCT/DO/EO/905 (371 Formalities Notice)

Rec'd 21 JUL 2005

21 JUL 2005

10/543065

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL04/00121

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61K 31/4365, 31/496, 31/5355, 31/55; C07D 495/04; A61P 29/00, 7/02  
 US CL : 514/301, 217.07, 233.8, 253.04; 544/362; 546/114

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
 U.S. : 514/301, 217.07, 233.8, 253.04; 544/362; 546/114

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
 CAS ONLINE

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	BALAKIN et al. Property-based design of GPCR-targeted library. J. Chem. Inf. Comput. Sci. 2002, Vol. 42, pages 1332-1342, especially page 1339, Fig. 5.	3, 4, 7, 9, 15-18
A	US 6,232,320 B1 (STEWART et al) 15 May 2001 (15.05.2001), see entire document, especially columns 2, 12.	1-19, 21-37, 41-43
A	FUJITA et al. Synthesis and bioactivities of novel bicyclic thiophenes and 4, 5, 6, 7-tetrahydrothieno[2,3-c]pyridines as inhibitors of tumor necrosis factor-alpha (TNF-alpha) production. Bioorganic & Medicinal Chemistry Letters. 2002, Vol. 12, pages 1897-1900, especially page 1899, Table 3.	1-19, 21-37, 41-43
A	FUJITA et al. Synthesis and bioactivities of novel 4,5,6,7-tetrahydrothieno[2,3-c]pyridines as inhibitors of tumor necrosis factor-alpha (TNF-alpha) production. Bioorganic & Medicinal Chemistry Letters. 2002, Vol. 12, pages 1607-1611, especially page 1608.	1-19, 21-37, 41-43

<input type="checkbox"/>	Further documents are listed in the continuation of Box C.	<input type="checkbox"/>	See patent family annex.
* "A"	Special categories of cited documents: document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"B"	earlier application or patent published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O"	document referring to an oral disclosure, use, exhibition or other means	"Z"	document member of the same patent family
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search 19 October 2004 (19.10.2004)	Date of mailing of the international search report 19 OCT 2004
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer DIANA L OLEKSA <i>DL Oleksa</i> Telephone No. 703-305-2357

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/IL04/00121

**Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to *subject matter not required to be searched by this Authority, namely:*
  
2.  Claims Nos.: because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3.  Claims Nos.: 20 and 38-40 because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.